

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRUCE FERRELL; LESLIE KEVIN)	
BILLINGSLEY; ABDUL BROWN;)	
GARY WILLIAMS; ANTHONY ALLEN;)	Civil Action No. 04-1806
and SHAWN JACKSON,)	
)	Judge Donetta W. Ambrose
Plaintiffs,)	Magistrate Judge Lenihan
)	
vs.)	
)	Doc. No. 103
)	
JEFFREY A. BEARD, PH.D.,)	
Secretary; JOHN S. SHAFFER,)	
Executive Secretary; LANCE)	
COUTURIER, Chief Psychologist;)	
FRED MAUE, Chief Psychiatrist;)	
SHARON BURK, Chief Grievance)	
Coordinator; JOHN DOE, Director)	
of Classification; NEAL MECHLING,)	
Ex-Superintendent; HARRY WILSON,)	
Superintendent; CAROL A. SCIRE,)	
Grievance Coordinator; L. D.)	
HARRIS, Deputy Superintendent;)	
and MARK KRYSEVIG, Deputy)	
Superintendent sued in official)	
and individual capacities under)	
state color of the law,)	
)	
Defendants.)	

ORDER

Plaintiffs have filed a Motion requesting the Court's assistance in contacting the lawyer, Phyllis Jin, who agreed to accept representation of the Plaintiffs. The Motion indicates that the lead Plaintiff, Bruce Ferrell, has attempted to do so to no avail. The Court will attempt to contact Ms. Jin, but must advise Plaintiffs that this may not be very successful. We have

tried to call her on numerous occasions, have sent mail, as well as electronically filed documents, also to no avail.

The Court would also like Plaintiffs to be aware of the following. At a status conference that took place on October 26, 2006, Attorney Jin did appear and represented to the court that this case did not meet the requirements for class certification. (See conference memo attached hereto and docketed as Docket No. 97). She made an oral motion to voluntarily dismiss the complaint and requested leave to refile each case on behalf of the individual plaintiff. The Court told her to file a written motion, which was never done and the Court has been unable to reach Attorney Jin since that date.

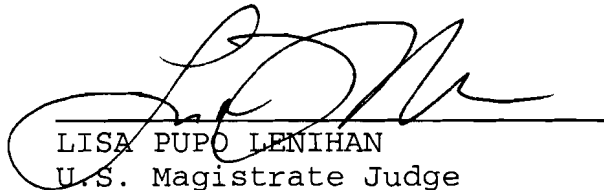
This case must be moved forward, but not as a class action. Plaintiff's are advised that they should consider drafting their own individual complaints and filing them with either a filing fee or a motion to proceed *in forma pauperis*, or this case may be dismissed for failure to prosecute. Therefore,

IT IS ORDERED this 20th day of February, 2007, that Plaintiffs' Motion for the assistance of the Court in contacting counsel is (Doc. No. 103) is **GRANTED**.

IT IS FURTHER ORDERED that if no contact is made within the next **15 days** the Court will so notify Plaintiffs and establish a deadline within which Plaintiff's are to file individual complaints, together with motions to proceed *in forma pauperis*,

or a filing fee, or face an order to show cause why the case should not be dismissed for failure to prosecute.

IT IS FURTHER ORDERED that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Any opposing party shall have ten (10) days from the date of service of the appeal to respond thereto. Failure to timely file an appeal may constitute a waiver of any appellate rights.



LISA PUPO LENIHAN
U.S. Magistrate Judge

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